

TRANSIT COOPERATIVE RESEARCH PROGRAM

Sponsored by the Federal Transit Administration

Subject Areas: IA Planning and Administration;
IC Transportation Law; VI Public Transit

Legal Research Digest 21

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TRADEMARKING AND LICENSING FOR TRANSIT PROVIDERS

This report was prepared under TCRP Project J-5, "Legal Aspects of Transit and Intermodal Transportation Programs," for which the Transportation Research Board is the agency coordinating the research. The report was prepared by Radhika Raju and Jaylene Sarracino, Attorneys, Washington, D.C. James B. McDaniel, TRB Counsel for Legal Research Projects, was the principal investigator and content editor.

The Problem and Its Solution

The nation's transit agencies need to have access to a program that can provide authoritatively researched, specific, limited-scope studies of legal issues and problems having national significance and application to their businesses. The TCRP Project J-5 is designed to provide this insight.

The intermodal approach to surface transportation requires a partnership between transit and other transportation modes.

Transit attorneys have noted that they particularly need information in several areas of transportation law, including environmental requirements; construction and procurement contract procedures and administration; civil rights and labor standards; and tort liability, risk management, and system safety.

In other areas of the law, transit programs may involve legal problems and issues that are not shared with other modes; as, for example, compliance with transit equipment and operations guidelines, FTA financing initiatives, and labor or environmental standards.

Applications

Transit agencies have become increasingly aware of the need to protect and enhance potential sources of income. One such source is a transit agency's "mark," which when properly registered, approved,

and entered into the Register maintained by the United States Patent and Trademark Office, becomes a protected trademark.

Trademarks are assets that can be used to generate income or operate as a shorthand way of identifying a company and the goods produced or services provided by that company. Transit agencies should be familiar with the process utilized to create and protect a trademark.

The purpose of this report is to give the intellectual property novice an understanding of the process of creating and protecting trademark assets. Included is a step-by-step explanation of the process used to prepare and file an application for a federal trademark. Also, this report contains a web bibliography, which should be convenient for interactive research for those accessing this report through <http://www4.arb.org/trb/onlinepubs.pdf>.

The report should be useful for transit administrators, attorneys, financial and program development officials, and operations officers.

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